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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/669,390	09/26/2000	Daniel G. Stearns	IL-10703	3385

7590 12/11/2003

Alan H Thompson
Assistant Laboratory Counsel
Lawrence Livermore National Laboratory
P O Box 808 L-703
Livermore, CA 94551

EXAMINER

ROSASCO, STEPHEN D

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 12/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/669,390	Applicant(s) STEARNS ET AL.	
	Examiner Stephen Rosasco	Art Unit 1756	
	-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --		

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) ☒ Responsive to communication(s) filed on 07 October 2003.

2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.

3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) ☒ Claim(s) 1-21 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) ☐ Claim(s) _____ is/are allowed.

6) ☒ Claim(s) 1-21 is/are rejected.

7) ☐ Claim(s) _____ is/are objected to.

8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) ☐ The specification is objected to by the Examiner.

10) ☒ The drawing(s) filed on 9/26/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) ☐ All b) ☐ Some * c) ☐ None of:

1. ☐ Certified copies of the priority documents have been received.

2. ☐ Certified copies of the priority documents have been received in Application No. _____.

3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)

2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____

4) ☐ Interview Summary (PTO-413) Paper No(s). _____

5) ☐ Notice of Informal Patent Application (PTO-152)

6) ☐ Other:

Detailed Action

In response to the Amendment of 10/7/03 the examiner withdraws the prior office action rejections and includes a new one here over newly cited art.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miyake et al. (5,503,950) in view of Grenon et al. (6,165,649).

The claimed invention is directed to a method for mitigating multilayer defects on a reticle for use in an EUVL system comprising taking a reticle which includes a substrate with a thin film coating that has a defect, and then changing the thickness of the thin film coating in the vicinity of the defect.

Miyake et al. teach a method of manufacturing a reflection type mask, comprising the steps of: providing a reflection region by forming a multilayered film on a base, said multilayered film including repetition of a set of layers of different materials with a film thickness period; and locally irradiating the multilayered film with an energy beam to provide in the multilayered film a portion having a changed film thickness period such that the film thickness period changes with location in the reflection region and a portion having a decreased reflectivity.

And wherein the energy beam comprises an ion beam.

The teachings of Miyake et al. differ from those of the applicant in that the applicant teaches the method of changing the thickness of the thin film coating in the vicinity of a defect for correcting the defect.

Art Unit: 1756

Grenon et al. teach a method of repairing a mask, the method comprising the steps of:

(a) providing a mask having a defect;

(b) shining a beam on said mask to remove a thin portion of said defect, the defect being a thin layer extending approximately parallel to said approximately planar surface.

(c) providing a second removal step to remove remaining portions of said defect.

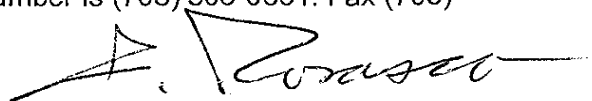
And wherein said shining step (b) comprises the step of shining a focused ion beam, which is shined in patterns on said defect to provide said thin portion of said defect taking into account variation in thickness of said defect.

It would have been obvious to one having ordinary skill in the art to take the teachings of Miyake et al and combine them with the teachings of Grenon et al. in order to make the claimed invention because it would be obvious to one from the method of Grenon et al. to use the method of Miyake et al. to remove a defect, because the methods are similar and the defect is in the layers which are being removed anyway.

Applicant's arguments with respect to claims 1-21 have been considered but are moot in view of the new ground(s) of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to S. Rosasco whose telephone number is (703) 308-4402.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0661. Fax (703) 305-3599.



S. Rosasco
Primary Examiner
Art Unit 1756

S. Rosasco
12/2/03